

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DAVON WASHINGTON, PARIIS TILLERY,  
JOHN DOE, and STEVEN ESPINAL, *on behalf of*  
*himself and all others similarly situated,*

Plaintiffs,

-against-

THE CITY OF NEW YORK et al.,

Defendants.

No. 18-CV-12306 (CM)

**DECLARATION OF DOUGLAS E. LIEB**

I, DOUGLAS E. LIEB, declare under penalty of perjury pursuant to 28 U.S.C.  
§ 1746, that the following is true and correct:

1. I am an associate in the firm of Emery Celli Brinckerhoff & Abady LLP, co-counsel for Plaintiffs in this action, and an attorney admitted to practice in the Southern District of New York. I make this declaration in opposition to the Albany County Defendants' and Defendant Melissa Mylroie's motions to sever claims and transfer the case.

2. Annexed as Exhibit 1 is a copy of a DOC spreadsheet detailing substitute jail orders issued for DOC inmates from January 1, 2012 to June 19, 2018.

3. Annexed as Exhibit 2 is a copy of an affidavit submitted by Defendant Captain Edward Williams III in Article 78 proceedings brought by Julian Cepeda, a New York City detainee transferred to the Albany County Correctional Facility.

4. Annexed as Exhibit 3 is a copy of an "SJO Information Sheet" previously filed by the City Defendants in this action as Exhibit B to the Declaration of Peggy Joseph dated February 11, 2019.

5. Annexed as Exhibit 4 is a copy of the Declaration of Steven Espinal dated January 24, 2019, and previously filed by Plaintiffs in this case.

6. Annexed as Exhibit 5 is a copy of the Declaration of Ruben Dario Fernandez dated January 24, 2019, and previously filed by Plaintiffs in this case.

7. Annexed as Exhibit 6 is a New York Supreme Court WEBCRIMS record concerning the pending criminal case against Pariis Tillery.

8. Annexed as Exhibit 7 are copies of Albany County Correctional Facility incident reports and disciplinary records concerning incidents involving Plaintiffs and other Rikers detainees on the dates of their arrival. In each, Albany County Correctional Facility staff claim that the detainee “turned around” or “turned off the wall” to spontaneously assault staff.

9. Annexed as Exhibit 8 is a copy of a population and count sheet from the Albany County Correctional Facility dated July 4, 2018, previously filed by the Albany County Defendants as page 22 of Exhibit F to the Declaration of John W. Liguori dated February 11, 2019.

10. Annexed as Exhibit 9 is a copy of a June 13, 2018 denial by the Albany County Correctional Facility of a grievance filed by Plaintiff John Doe.

Dated: March 1, 2019  
New York, New York

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/s/  
DOUGLAS E. LIEB